



**RESTRICTION ELECTION
FACSIMILE OFFICIAL
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DATE: August 25, 1999
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PAGES, INCLUDING COVERSHEET: 4
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TO EXAMINER: S. Devi
ART UNIT: 1641
SERIAL NUMBER: 09/120,044
FAX/TELECOPIER NUMBER: (703) 305-3704

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FOR RESPONSES TO RESTRICTIONS.**

COMMENTS: _____

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PATENT

Docket No. 1758-4036US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Conceicao MINETTI, et al. Group Art Unit: 1641
Serial No : 09/120,044 Examiner: DEVI, S.
Filed : July 21, 1998
For : MODIFIED IMMUNOGENIC PNEUMOLYSIN COMPOSITIONS AS
VACCINES

CERTIFICATE OF FACSIMILE TRANSMISSION

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231
FAX/TELECOPIER NUMBER: (703) 305-3704

Sir:

I hereby certify that the attached Response To Restriction Requirement and Restriction Election Facsimile Transmission (along with any paper(s) referred to as being attached or enclosed) and this Certificate of Facsimile are being transmitted on date shown below to: Assistant Commissioner For Patents, Washington, D.C. 20231, Fax/Telecopier Number: (703) 305-3704.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: August 25, 1999

By: Jacqueline Costanzo
Jacqueline Costanzo

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FORM: CERT.NY
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Applicant(s) : Conceicao MINETTI, et al. Group Art Unit: 1641
Serial No : 09/120,044 Examiner: DEVI, S.
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AS VACCINES**

RESPONSE TO RESTRICTION REQUIREMENT

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir,

In response to the restriction requirement issued August 4, 1999, Applicants elect to prosecute the claims of invention I, i.e., claims 1-15 and 22-26. In addition, Applicants provisionally elect pneumolysin species pNV207.

Further, Applicants respectfully request reconsideration of the restriction of inventions I, III and IV which are related as product and processes of use. Applicants submit that in this case, if the product is novel and unobvious, the method of killing bacteria and method for immunization are also novel and unobvious. Therefore, the examination of the claims of inventions III and IV in addition to the claims of invention I should not impose an undue burden upon the Examiner

PATENTDocket No. 1758-4036US2**AUTHORIZATION**

No additional fee is believed to be necessary.

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1758-4036US2.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 1758-4036US2. A DUPLICATE OF THIS SHEET IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: August 25, 1999

By: Darryl H Steensma

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